

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

JOSHUA WILSON, *et al*

Plaintiffs

v.

LLOYD AUSTIN, III, *et al.*,

Defendants

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Case No. 4:22-cv-438-ALM

**MOTION FOR LEAVE TO FILE
ADDITIONAL PLAINTIFFS' MOTION TO INTERVENE**

Pursuant to Rule 24 of the Federal Rules of Civil Procedure (“FRCP”), 739 Plaintiffs (combined named and pseudonymously) respectfully move this honorable Court to be allowed to file a Motion to Intervene in the above-captioned action. The Additional plaintiffs are (1) all military members of various branches of the Armed Forces, and (2) all subject to the Department of Defense’s (DOD) Vaccine Mandate.

The additional Plaintiffs are all equally-situated as the named plaintiffs with respect to the DOD Mandate, and all are pursuing the same exact legal claims and remedies against the Defendants as the original Plaintiffs in this action. *See* ECF #1. All of these additional 739 plaintiffs are also members of MAFL, but given the government’s position with respect to named and unnamed plaintiffs, these additional Plaintiffs must move the Court to be

recognized as on the same footing as their named colleagues so that they are not processed for separation by the Defendant DOD during the pendency of the action while their rights are being adjudicated.

Counsel have complied with the meet and confer requirement in Local Rule CV-7(h) and the government has not taken a position on the additional plaintiffs' motion. Both the movants' counsel and defendants' counsel have discussed their legal positions regarding the substantive and procedural aspects of the motion and the collateral, practical consequences that generates the need for this motion.

WHEREFORE, the additional 739 Plaintiffs pray this honorable Court will grant this Motion and allow these members of the Armed Forces to Intervene and join the action on an equal footing as their named plaintiff colleagues.

Dated: July 29, 2022

Respectfully submitted,

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CERTIFICATE OF SERVICE

This 29th day of July, 2022, the foregoing Plaintiffs' Motion was e-filed using the CM/ECF system.

/s/ Dale Saran
Dale Saran